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FROM: ANDREW J. HEINISCH
REGISTRATION NO. 43666**DIRECT LINE: (815) 963-7661****TO: EXAMINER RAYMOND W. ADDIE**
GROUP 3671
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VA 22313-1450

TELEPHONE NUMBER: 703-305-0135

FACSIMILE NUMBER: 703-872-9326

IN RE APPLN. OF: JAMES J. BARNAT ET AL.
APPLICATION NO.: 09/873,800
FILED: JUNE 4, 2001
FOR: ROADWAY PAVING SYSTEM AND METHOD INCLUDING
ROADWAY PAVING VEHICLE AND SUPPLY TRUCK
GROUP ART UNIT: 3671
EXAMINER: RAYMOND W. ADDIE

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Applicant Initiated Interview Request Form

Application No.: 09/873,800 First Named Applicant: James J. Barnat
Examiner: Raymond W. Addie Art Unit: 3671 Status of Application: Pending

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Tentative Participants:

(1) Andrew J. Heinisch

(2) Raymond W. Addie

(3) _____

(4) _____

Proposed Date of Interview: anytime

Proposed Time: anytime

Type of Interview Requested:

(1) ☒ Telephonic

(2) ☐ Personal

(3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig.#s	Prior Art	Discussed	Agreed	Not Agreed
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SEE ATTACHED SHEET

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

SEE ATTACHED SHEET

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Interview Request Form (7/1/2003)

ATTACHMENT TO APPLICANT INITIATED INTERVIEW REQUEST FORM

Applicant would like to avert appeal and petitions in the above-identified patent application and therefore is soliciting an interview with the Patent Examiner to address the various issues raised in the final Office Action. Applicant is willing to work with the Patent Examiner to attempt to place the patent application in condition for allowance if reasonable patent coverage is afforded. In this regard, Applicant would like to discuss with the Patent Examiner the following issues:

1. How is the election or restriction under paragraph 1 of the Office Action proper, when this restriction pertains only to dependent claims which depend on pending independent claims. Specifically, the express terms of MPEP § 821.03 and 37 CFR § 1.45 as cited by the Examiner explicitly are limited to "claims directed to an invention distinct and independent of the invention previously claimed". In this case, claims 76-78 and 80-82 are "dependent", not "independent" of the invention previously claimed as set forth in the independent claims. This is inherent by virtue of being dependent claims (the Examiner should also reference the restriction practice set forth in the MPEP which generally indicates that a generic claim precludes the issuance of a restriction requirement). Accordingly, Applicant respectfully requests the Patent Examiner's response on this issue. Applicant is hopeful that these dependent claims can be the basis for fruitful discussions since they differentiate the art and are thought to serve as the basis for a Notice of Allowance.

2. Regarding the § 112 issue, in paragraph 2 of the Office Action, Applicant wants to know why the illustration of FIG. 1 that shows non-intersecting trajectories is not enabling for that corresponding claim recitation (see also other figures showing the arrangement to enable substantially non-intersecting trajectories). Applicant would like to have this rejection removed or clarified for the Applicant.

3. Turning to the prior art rejections, Applicant is prepared to discuss amendments to the claims (as set forth in certain dependent claims and amendments previously presented) which clearly recite limitations that are not disclosed in the primary reference, O'Brien et al., and that are directly against the express teachings of that reference.

In sum, Applicant is hopeful that the prosecution can be cut short on this patent application considering the lengthy prosecution that has already occurred and in that regard is prepared to suggest claim amendments to the independent claims that Applicant believes will clearly place the application in condition for allowance. In this regard, Applicant respectfully requests a telephonic interview.